IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :

:

v. : 1:09CR86-1

:

LEDARIUS DANTE MONTGOMERY

FACTUAL BASIS

NOW COMES the United States of America, by and through Anna Mills Wagoner, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Fed. R. Crim. P., states the following:

On August 24, 2008, officers with the High Point Police

Department received a kidnaping report. The alleged victim,

Shenara Lytch, told officers that her boyfriend, the defendant,

assaulted and kidnaped her after an argument. The defendant

disputed Ms. Lytch's allegations.

Sometime after the alleged altercation between Ms. Lytch and the defendant, Ms. Lytch observed the defendant place a firearm in a basket in the closet of her residence at 302-E Taylor Avenue in High Point, North Carolina. Prior to seeing this, Ms. Lytch had no knowledge of whether the defendant possessed this firearm during the time she claimed he kidnaped and assaulted her.

Thereafter, Officer Howey of the High Point Police Department recovered a .22 caliber Bryco Arms, model Jennings J-22, bearing SN 1004959 from a basket in the closet of the residence. After being advised of his Miranda rights, the defendant admitted that

he knew the firearm was stored in the residence, and he also admitted that he touched the weapon.

ATF Task Force Officer Stuart (Kyle) Pratt determined that the defendant has not received an official pardon or relief from his state firearms disability. Agent Pratt also confirmed that the defendant has not received a restoration of his federal firearm rights. Special Agent Ernie Driver conducted the Nexus research on the firearm and determined that it was manufactured outside of North Carolina. The weapon was also test fired and functioned properly.

The defendant was previously convicted of discharging a weapon into occupied property and possession of a stolen motor vehicle in Guilford County, North Carolina on June 1, 2004, crimes punishable by imprisonment for a terms exceeding one year.

This the 10^{th} day of June, 2009.

Respectfully submitted,

ANNA MILLS WAGONER
United States Attorney

/S/TERRY M. MEINECKE
Assistant U.S. Attorney
NCSB #27586
United States Attorney's Office
Middle District of North Carolina
P.O. Box 1858
Greensboro, NC 27402
Phone: 336/333-5351

E-mail: Terry.Meinecke@usdoj.gov

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CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2009, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Thomas N. Cochran, Assistant Federal Public Defender

/S/TERRY M. MEINECKE Assistant United States Attorney NCSB #27586 United States Attorney's Office Middle District of North Carolina P.O. Box 1858 Greensboro, NC 27402

Phone: 336/333-5351

E-mail: Terry.Meinecke@usdoj.gov